THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.924 of 2007

Between:

N.Anil Krishna. ..
PETITIONER

and

Govt. of A.P.,
Revenue (Excise) Department,
and others.
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RESPONDENTS

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ORDER:

This writ petition has been filed seeking writ of

Mandamus declaring the proceedings of the Deputy Commissioner of Prohibition and Excise, Vijayawada, Krishna District, for initiating confiscation of the lorry bearing No.AP-27-W-1117 seized in Cr.No.132/06-07 of Nandigama for the offence under Section 7(a) read with 8(e) of A.P.Prohibition Act, as illegal and arbitrary.

In the said proceedings, it is stated that the upset value of the vehicle was Rs.10,50,000/- as assessed by the Motor Vehicles Inspector, Nandigama. It is stated that as there are sufficient grounds to proceed under Section 13-A of A.P.Prohibition Act, 1995, for confiscation of the said vehicle, a show cause notice has been issued to the petitioner.

Admittedly, the confiscation proceedings are pending before the Deputy Commissioner of Prohibition and Excise, Vijayawada.

The learned counsel for the petitioner submits that he is the registered owner of the said vehicle having purchased the same in the year 2006 and he has no knowledge or information about the involvement of the said vehicle, wherein 120 litres of I.D.liquor was alleged to have been found in the said lorry.

It is stated that for the said show cause notice, a detailed representation has been filed on 23-01-2007 requesting to release the vehicle, pending finalisation of the confiscation proceedings.

Though the confiscation proceedings are pending, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 2nd

respondent to pass appropriate orders for release of the vehicle in question by way of giving interim custody, subject to such terms and conditions that may be imposed by him.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation of the petitioner, dated 23-01-2007, in accordance with law, within a period of ten (10) days from the date of receipt of a copy of this order. There shall be no order as to costs.

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13-02-2007

Note:
Issue C.C. in two days
(B/o)
Prv